HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.3147 of 2006
Date of decision : 6.3.2007

Pardeep Kumar **.....Appellant**

versus

Ashwani Kumar and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.P.S.Chauhan, Advocate for the appellant.

* * *

ORDER

HEMANT GUPTA, J.

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the learned First Appellate Court, wherein it was found that the Municipal Committee is owner of the suit land and, thus, competent to sell the same.

The learned First Appellate Court found that the disputed site vested with the Municipal Committee being part of the *Abadi Deh* and was sold the same to defendant No.2 according to rules after obtaining necessary sanction from the Deputy Commissioner. It has been further found that the suit property was not proved to be part of the thoroughfare or ever used by the general public as passage at any point of time.

The argument raised by learned counsel for the appellant is that on 29.4.1994, an application was made by defendant No.2 for purchase of the suit property and the sale deed was executed on 17.5.1994. It has been found that the suit property was sold to defendant

No.2 after obtaining necessary sanction from the Deputy Commissioner. Therefore, the mere fact that the sale has been executed within a span of 3 weeks do not prove lack of bonafide of the purchaser.

The finding of fact recorded by the learned First Appellate Court is sought to be disputed by re-appreciation of evidence. It cannot be disputed that the land is *Abadi Deh*, therefore, the said land vests with the Municipal Committee.

I do not find any illegality or irregularity in the order passed by the learned First Appellate Court, which may give rise to any substantial question of law in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 6, 2007
**mohinder*